

31.10.2022
sayandeep
Sl. No. 04
Ct. No. 05

WPA 19714 of 2022

Biraj Bhattacharjee
-Versus-
Panjab National Bank & Anr.

Mr. Goutam Chakraborty
.....for the petitioners

Mr. Pankaj Kumar Mukherjee
.....for the PNB

The grievance of the petitioner is that despite an award dated 26th November, 2021 by which the Punjab National Bank agreed to issue No Dues Certificate in favour of the petitioner, the Bank has not taken any steps for issuing No Dues Certificate and further that the petitioner's account has been frozen since July, 2022.

The ground shown on behalf of the Bank is that the Bank later discovered that the settlement of covered accounts must be in compliance with a CGTMSE claim and guidelines. Counsel submits that the minimum settlement amount shall not be less than the amount of the CGTMSE claim as received by the Bank.

The document before the Court shows that the Bank had already received an amount of Rs. 3.05 lakhs from the petitioner as settlement before the Lok Adalat in November, 2021. The Lok Adalat passed an award on the basis of the stand taken by the Bank as on November, 2021. The proceedings were attended on

behalf of the Bank and the Bank had full opportunity to present its case. The stand of the Bank therefore taken four months after the date of the award and on the pretext of the concerned guidelines cannot be accepted. The Bank's further claim of Rs. 8,60,000/- approximately cannot be accepted for that reason. Any other consequential steps taken by the Bank including freezing of the savings account of the petitioner at the Garfa Branch of the PNB must therefore be interfered with.

WPA 19714 of 2022 is accordingly allowed and disposed of with a direction on the Bank to issue the No Dues Certificate to the petitioner within a period of three weeks from date. The Bank shall also take immediate steps to defreeze the petitioner's account at the Garfa Branch within 48 hrs. from the date of communication of this order.

The writ petition is disposed of accordingly.

(Moushumi Bhattacharya, J.)